



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

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ADMIN RECORD

Mr. Terry Vaeth, Manager  
U.S. Department of Energy  
Rocky Flats Plant  
P.O. Box 928  
Golden, Colorado 80402-0928

Dear Mr. Vaeth:

This letter is intended to express our appreciation for the information presented by your staff at our meeting on August 16, 1992 at Rocky Flats Plant (RFP). We also wish to provide you with a summary of EPA's position concerning the status of the Interagency Agreement (IAG).

EPA remains unconvinced of the need to renegotiate the current IAG milestones. Although DOE has asserted that the commitments cannot be achieved due to technical considerations, it is clear from the material presented at the meeting that much of the difficulty lies within DOE. EPA has consistently maintained that it was DOE's obligation to structure its procedures in a manner which would allow it to meet the schedules which are in the IAG.

It is apparent that there is a need to improve communication between regulatory agencies and DOE and that DOE has internal administrative hurdles to overcome. As stated during the meeting, DOE must continue to open the lines of communication in order to improve the environmental restoration program at RFP. Improved communication will also enhance trust among the parties to the IAG and between DOE and the public.

A key component of this effort must be a willingness to openly share sensitive information and a fresh approach to the manner in which available information is used. This is the only way to resolve intractable conflicts such as whether RFP has requested adequate funding from DOE HQ and how DOE HQ, and the Administration, have responded to that request.

It was the understanding of the parties at the meeting that discussions should begin among DOE, EPA, and CDE to evaluate the factors behind DOE's assertion that it will be unable to meet the existing milestones. This evaluation should build on the recently established Quality Action Team approach in order to identify

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improvements in the process by which environmental restoration at RFP is planned and implemented. These improvements may include changes in DOE's administrative procedures as well as mechanisms to increase the accountability of DOE's contractor.

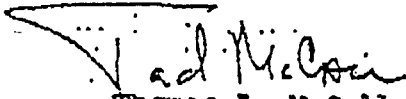
One component of the evaluation will be the impact of the change in RFP's mission and the related transition activities. To the extent that planned environmental restoration activities must be modified to accommodate transition activities, opportunities for interim remedial measures which will produce significant short-term risk reduction should also be identified.


At the conclusion of the evaluation, EPA and CDE will determine whether there exists valid justification for modifying DOE's obligations under the existing IAG. Satisfactory resolution of the issues which might jeopardize implementation of the cleanup of RFP must be a precondition to any modification of enforceable schedules. If resolution of these issues cannot be achieved in a manner which assures EPA that the renegotiated IAG will be effective and enforceable, EPA will evaluate all options.

If it is agreed that planned activities are to be deferred, DOE would be expected to demonstrate its commitment to timely environmental restoration by its agreement to perform interim remedial actions.

EPA believes that our joint efforts can result in positive benefits to the environmental restoration program at RFP and that encouraging open communication among the parties to the IAG will substantially improve our credibility in the eyes of the public.

Sincerely,

  
Thomas L. McCall, Jr.  
Acting Deputy Assistant Administrator  
for Federal Facilities Enforcement

  
Jack McGraw  
Acting Regional  
Administrator

cc: Leo Duffy  
Ray Barnabe  
Ralph Lightner, EM-40  
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James Hartman, DOE-RFO  
Gary Baughman, CDE